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17 Attorneys for Defendant Myriad Group A.G.

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 OAKLAND DIVISION
21

22 ORACLE AMERICA, INC.

23 Plaintiff,

24 v.

25 MYRIAD GROUP A.G.

26 Defendant.
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Case No. 10-CV-5604-SBA

Hon. Judge Sandra Brown Armstrong

**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME FOR
SUPPLEMENTAL BRIEFING IN
RESPONSE TO COURT'S
JANUARY 17, 2012 ORDER**

1 WHEREAS, on January 17, 2012, this Court issued an Order Granting Plaintiff Oracle
2 America, Inc.'s Motion for Preliminary Injunction, by which it ordered Oracle and Defendant
3 Myriad Group AG to meet and confer regarding a stay of this action and the arbitration of
4 Oracle's breach of contract claim;

5 WHEREAS, if the parties did not reach agreement, the Court ordered supplemental
6 briefing on Myriad's Motion for Stay Pending Appeal and Oracle's request to stay the arbitration
7 of the contract claim by Friday, January 27, 2012;

8 WHEREAS, the parties have met and conferred, but have not reached an agreement;

9 WHEREAS, the parties agree to an extension of the Court's deadline;

10 WHEREAS, in accordance with L.R. 6.2(a)(1), the parties seek an extension in order to
11 further discuss a stay of the instant action and the arbitration, and potentially avoid unnecessary
12 briefing;

13 WHEREAS, in accordance with L.R. 6.2(a)(2), the parties declare that time has been
14 modified in this action as follows: by Court Order dated December 29, 2010, the Case
15 Management Conference (CMC) was rescheduled from February 1, 2011 to April 21, 2011; by
16 Stipulation and Court Order dated January 12, 2011, the CMC was continued to June 1, 2011; by
17 Clerk's Notice dated May 25, 2011, the CMC was continued to July 28, 2011; by Clerk's Notice
18 dated August 5, 2011, the CMC was continued to September 7, 2011; by Court Order dated
19 September 1, 2011, the CMC was continued to November 2, 2011; by Clerk's Notice dated
20 October 25, 2011, the CMC was continued to January 10, 2012; by Stipulation dated November
21 17, 2011, Myriad's deadline for an Answer to Oracle's Complaint was extended to December 2,
22 2011; and by Court Order dated January 5, 2012, the CMC was continued to a date to be set by
23 the Court upon resolution of Myriad's Motion to Stay Pending Appeal;

24 WHEREAS, in accordance with L.R. 6.2(a)(3), because no case management conference
25 is scheduled and no scheduling order is in place, and because the parties may potentially stay the
26 instant action, this extension will not effect the schedule for this action;

1 **THE PARTIES HEREBY STIPULATE** that the deadline for supplemental briefing on
2 Myriad's Motion to Stay Pending Appeal and Oracle's request to stay arbitration of the breach of
3 contract claim be extended to Friday, February 3, 2012.

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6 DLA PIPER LLP (US)

KING & SPALDING LLP

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8 By/s/ Jeffrey M. Shohet

By /s/ Geoffrey M. Ezgar

9 JEFFREY M. SHOHE
10 CHRISTOPHER J. BEAL
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Attorneys for Plaintiff
Oracle America, Inc.

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Myriad Group AG

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13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

14 DATED: January 27, 2012

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16 SAUNDRA BROWN ARMSTRONG
17 United States District Judge
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DECLARATION OF AUTHORITY TO SIGN

In accordance with General Order No. 45.X, I, Geoffrey M. Ezgar, attest that concurrence in the filing of the document has been obtained from Jeffrey M. Shohet.

DATED: January 27, 2012

KING & SPALDING LLP

By: Geoffrey M. Ezgar

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